

a type judgment unit that judges whether the another peripheral device stores, in a rewritable manner, a same type of software program as the software program stored in the memory, the same type of software program being software to be used by the another peripheral device for executing prescribed operations;

an old/new judgment unit that, when the device judgment unit judges that another peripheral device is connected to the network and the type judgment unit judges that the another peripheral device stores the same type of software program in a rewritable manner, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory is older; and

a first rewrite unit that, when the old/new judgment unit judges that the same type of software program stored in the another peripheral device is older than the software stored in the memory, rewrites the same type of software program stored in the another peripheral device into the software program stored in the memory.

2. (Twice Amended) A peripheral device as claimed in claim 1, wherein the memory stores the software program in a rewritable manner, and further comprising a second rewrite unit that when the old/new judgment unit judges that the same type of software program stored in the another peripheral device is newer than the software stored in the memory, rewrites the software program stored in the memory into the same type of software program stored in the another peripheral device.

3. (Twice Amended) A peripheral device as claimed in claim 1, wherein the type judgment unit performs judgment for all other peripheral devices connected to the network; and the old/new judgment unit performs judgment on the all other devices that are judged to store the same type of software program by the type judgment unit.

4. (Twice Amended) A peripheral device connected to a network comprising:

a device judgment unit that judges whether another peripheral device, that is a same type as the peripheral device, is connected to the network;

a transmission unit that performs transmission and reception of data over the network to and from the another peripheral device;

a memory that stores a software program in a rewritable manner, the software program being software used by the peripheral device for executing prescribed operations;

a type judgment unit that judges whether the another peripheral device stores a same type of software program as the software program stored in the memory;

an old/new judgment unit that, when the device judgment unit judges that the another peripheral device is connected to the network and the type judgment unit judges that the another peripheral device stores the same type of software program, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory is newer; and

a rewrite unit that, when the old/new judgment unit judges that the same type of software program stored in the another device is newer than the software stored in the memory, rewrites the software program stored in the memory into the same type of software program stored in the another device.

5. (Twice Amended) A peripheral device as claimed in claim 4, wherein the type judgment unit performs judgment for all other devices connected to the network; and the old/new judgment unit performs judgment on all other devices that are judged to store the same type software program by the type judgment unit.

6. (Twice Amended) A network system comprising:

a network;

a peripheral device connected to the network; and

another peripheral device connected to the network and having a memory that stores, in a rewritable manner, a software program to be used by the another peripheral device for executing prescribed operations, the peripheral device comprising:

a transmission unit that performs transmission and reception of data over the network to and from the another peripheral device;

a memory that stores a software program to be used by the peripheral device for executing prescribed operations;

a type judgment unit that judges whether the another peripheral device stores a same type of software program as the software program stored in the memory of the peripheral device;

an old/new judgment unit that, when the type judgment unit judges that the another peripheral device stores the same type of software program in a rewritable manner, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory of the peripheral device is older; and

a first rewrite unit that, when the old/new judgment unit judges that the same type of software program stored in the another peripheral device is older than the software program stored in the memory of the peripheral device, rewrites the same type of software program stored in the another peripheral device into the software program stored in the memory of the peripheral device.

7. (Twice Amended) The network system as claimed in claim 6, wherein the memory stores the software program in a rewritable manner, and further comprising a second rewrite unit that, when the old/new judgment unit judges that the same type of software program stored in the another peripheral device is newer than the software program stored in the memory of the peripheral device, rewrites the software program stored in the memory of

the peripheral device into the same type of software program stored in the another peripheral device.

8. (Twice Amended) The network system as claimed in claim 6, wherein the type judgment unit performs judgment for all other peripheral devices connected to the network; and the old/new judgment unit performs judgment on all other peripheral devices that are judged to store the same type software program by the type judgment unit.

10. (Amended) A network system comprising:

- a network;
- a peripheral device connected to the network; and
- another peripheral device connected to the network and having a memory that stores, in a rewritable manner, a software program, the peripheral device comprising:
  - a transmission unit that performs transmission and reception of data over the network to and from the another device;
  - a memory that stores a software program in a rewritable manner;
  - a type judgment unit that judges whether the another peripheral device stores the same type of software program as the software program stored in the memory of the peripheral device;
  - an old/new judgment unit that, when the type judgment unit judges that the another peripheral device stores the same type of software program, judges which of the same type of software program stored in the another peripheral device and the software program stored in the memory of the peripheral device is newer;
  - a first rewrite unit that, when the old/new judgment unit judges that the same type of software program stored in the memory of the another peripheral device is older than the software stored in the memory of the peripheral device, rewrites the same type of

software program stored in the memory of the another peripheral device into the software program stored in the memory of the peripheral device; and

a second rewrite unit that, when the old/new judgment unit judges that the same type of software program stored in the memory of the another peripheral device is newer than the software stored in the memory of the peripheral device, rewrites the software program stored in the memory of the peripheral device into the same type of software program stored in the memory of the another peripheral device.

17. (Amended) A printer connected to a network comprising:

a device judgment unit that judges whether another printer is connected to the network;

a transmission unit that performs transmission and reception of data over the network to and from the another printer;

a memory that stores a firmware to be used by the printer for executing prescribed operations;

a type judgment unit that judges whether the another printer stores, in a rewritable manner, a same type of firmware as the firmware stored in the memory;

an old/new judgment unit that when the device judgment unit judges that the another printer is connected to the network and the type judgment unit judges that the another printer stores the same type of firmware in a rewritable manner, judges which of the same type of firmware stored in the another printer and the firmware stored in the memory is older in version; and

a first rewrite unit that when the old/new judgment unit judges that the same type of firmware stored in the another printer is older in version than the firmware stored in the memory, rewrites the same type of firmware stored in the another printer to the firmware stored in the memory.

18. (Amended) A printer as claimed in claim 17, wherein the memory stores the firmware in a rewritable manner, and further comprising a second rewrite unit that when the old/new judgment unit judges that the same type of firmware stored in the another printer is newer in version than the first version, rewrites the firmware stored in the memory into the same type of firmware stored in the another printer.

19. (Amended) A printer connected to a network comprising:

- a transmission unit that performs transmission and reception of data over the network to and from another printer connected to the network;
- a memory that stores a firmware in a rewritable manner, the firmware being firmware used by the printer for executing prescribed operations;
- a type judgment unit that judges whether the another printer stores a same type of firmware as the firmware stored in the memory;
- an old/new judgment unit that when the type judgment unit judges that the another printer stores the same type of software program, judges which of the same type of firmware stored in the another printer and the firmware stored in the memory is newer in version; and
- a rewrite unit that when the old/new judgment unit judges that the same type of firmware stored in the another printer is newer in version than the firmware stored in the memory, rewrites the firmware stored in the memory into the same type of firmware stored in the another printer.

Please add claims 20-25 as follows:

20. A peripheral device as claimed in claim 1, wherein the device judgment unit judges whether the another peripheral device is connected to the network when the peripheral device is first connected to the network.--

--21. A peripheral device as claimed in claim 1, wherein the device judgment unit determines that the another peripheral device is the same type as the peripheral device based on device information about the another peripheral device.--

--22. A peripheral device as claimed in claim 4, wherein the device judgment unit judges whether the another peripheral device is connected to the network when the peripheral device is first connected to the network.--

--23. A peripheral device as claimed in claim 4, wherein the device judgment unit determines that the another peripheral device is the same type as the peripheral device based on device information about the another peripheral device.--

--24. A printer as claimed in claim 19, wherein the device judgment unit judges whether the another printer is connected to the network when the printer is first connected to the network.--

--25. A printer as claimed in claim 19, wherein the device judgment unit determines that the another printer is the same type as the printer based on device information about the another printer.--

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REMARKS

Claims 1-25 are pending. By this Amendment, claims 1-8, 10 and 17-19 are amended and claims 20-25 are added. No new matter has been added. Support for the subject matter recited in claims 20-25 can be found, at least, in Figures 2 and 3.

The attached Appendix includes a marked-up copy of each rewritten claim (37 C.F.R. §1.121(c)(1)(ii)).

Claims 1-8 are rejected under 35 U.S.C. §102(e) as being anticipated by Otto, U.S. 5,706,431. The rejection is respectfully traversed.

Otto discloses a system for distributing updates to nodes of a hierarchical communications network that cascade the updates through the network as a function of its